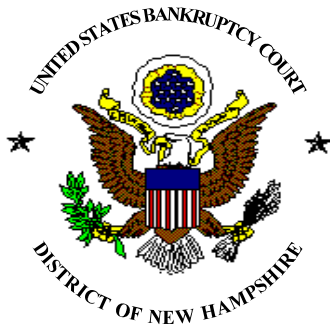


**ADMINISTRATIVE ORDERS  
OF THE  
UNITED STATES BANKRUPTCY COURT  
FOR THE  
DISTRICT OF NEW HAMPSHIRE**



\*, 2006

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**ADMINISTRATIVE ORDERS  
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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE**

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**GENERAL ORDER RE ADMINISTRATIVE ORDERS  
ISSUED PURSUANT TO LBR 9029-2**

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WHEREAS, by General Order dated and filed on \*, 2006, this Court adopted the Local Rules of the United States Bankruptcy Court for the District of New Hampshire, said rules hereinafter referred to as the Local Bankruptcy Rules; and

WHEREAS, Local Bankruptcy Rule 9029-2 authorizes this Court to adopt administrative orders for the conduct and disposition of proceedings before it and, from time to time, to alter and amend the same, provided that such administrative orders are not inconsistent with the provisions of the United States Bankruptcy Code, Federal Rules of Bankruptcy Procedure or Local Bankruptcy Rules; and

WHEREAS, pursuant to the authority granted this Court by Local Bankruptcy Rule 9029-2, and for the purpose of organizing, clarifying and supplementing the administrative orders issued by the Court prior to the date of this Order; it is hereby

ORDERED this \* day of \*, 2006, that the annexed “Administrative Orders of the United States Bankruptcy Court for the District of New Hampshire” are hereby prescribed and promulgated pursuant to Local Bankruptcy Rule 9029-2 and shall take effect on \*, 2006, and govern all bankruptcy cases and proceedings thereafter commenced and, insofar as just and practicable, all bankruptcy cases and proceedings then pending in this Court; and it is further

ORDERED that all administrative orders issued by this Court pursuant to Local Bankruptcy Rule 9029-2 prior to the date of this order, except any administrative orders that relate only to a specific case, are repealed upon the effective date of these Administrative Orders;

AND IT IS FURTHER ORDERED that the clerk shall post a copy of this Order in the clerk’s office, on the Court’s web site and shall forthwith cause a notice regarding the adoption of these Administrative Orders to be published in the *New Hampshire Bar News* which indicates that copies of these Administrative Orders are available upon request.

DATED and FILED this \* day of \*, 2006.

BY THE COURT:

/s/ Mark W. Vaughn  
Mark W. Vaughn  
Chief Judge

/s/ J. Michael Deasy  
J. Michael Deasy  
Bankruptcy Judge

**FILING OF PAYMENT ADVICES PURSUANT TO 11 U.S.C. § 521(a)(1)(B)(iv)**

(Adopted pursuant to General Order dated \*, 2006)

Effective as to cases filed on or after October 17, 2005, copies of all payment advices or other evidence of payment received within sixty (60) days before the date of the filing of the petition by the debtor from any employer of the debtor: (1) shall not be filed with the Court unless otherwise ordered, and (2) shall be provided to the trustee in accordance with 11 U.S.C. § 521(i)(1).

**IMPLEMENTATION OF NOTICE OF PREFERRED ADDRESSES**  
**PURSUANT TO 11 U.S.C. § 342(e) AND (f) AND**  
**NATIONAL CREDITOR REGISTRATION SERVICE**  
(Adopted pursuant to General Order dated \*, 2006)

Effective as to cases filed on or after October 17, 2005, an entity, as that term is defined under 11 U.S.C. § 101(15), and a notice provider, i.e., Bankruptcy Noticing Center, may agree that when the notice provider is directed by the Court to provide notice to the entity, the notice provider shall do so in the manner agreed to and at the address or addresses provided to the notice provider by the entity. Such address is conclusively presumed to be a proper address for the notice. However, the notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

The filing of a notice of preferred address pursuant to 11 U.S.C. § 342(f) by an entity directly with the notice provider shall constitute the filing of such a notice with the Court.

The entity must register its preferred address with the National Creditor Registration Service. Forms and registration information are available on the National Creditor Registration Service's web site at <[www.ncrsuscourts.com](http://www.ncrsuscourts.com)>.

**FEE AND EXPENSE GUIDELINES**

(Adopted pursuant to General Order dated \*, 2006)

*(a) Fees.*

- (1) If the total fee for debtor's counsel in a Chapter 13 consumer case or a business case is less than or equal to \$2,500 pre-confirmation and \$1,000 post-confirmation, the disclosure set forth in the Bankruptcy Rule 2016 statement is sufficient, and it is unnecessary to file any itemized application for compensation unless ordered to do so by the Court. To the extent that debtor's counsel is unable to obtain a full retainer in an amount of up to \$2,500, debtor's counsel may be paid the balance owed, up to \$2,500, during the first twelve months of the debtor's plan.
- (2) If the total fee for counsel to an individual debtor in a Chapter 7 case is not subject to an objection by the United States Trustee or is less than or equal to \$1,500, the disclosure set forth in the Bankruptcy Rule 2016 statement is sufficient, and it is unnecessary to file any application for compensation under *LBR 2016* unless ordered to do so by the Court.
- (3) If the total fee for counsel to a debtor in a Chapter 7 case who is not an individual is not subject to an objection by the United States Trustee or is less than or equal to \$2,500, the disclosure set forth in the Bankruptcy Rule 2016 statement is sufficient, and it is unnecessary to file any application for compensation under *LBR 2016* unless ordered to do so by the Court.

*(b) Expenses.* Applications for reimbursement for actual, necessary expenses under 11 U.S.C. § 330(a)(1)(B) and *LBR 2016-1* shall be considered by the Court under the following guidelines. In lieu of establishing the actual cost of certain expense items, a professional person may request the rates of reimbursement set forth below:

- (1) In-house photocopying and incoming facsimiles at the rate of ten cents (\$0.10) per page. Outside photocopying based on actual costs.
- (2) Outgoing facsimiles and long distance telephone charges based on actual telephone toll charges.
- (3) Computer-accessed legal research based upon actual costs.
- (4) Reimbursement for travel based upon actual costs unless reimbursement is sought for mileage at the rate by the Secretary of the Treasury pursuant to the Internal Revenue Code.
- (5) Absent extraordinary circumstances, the Court will not approve any reimbursement for meals, word processing, document production, administrative charges or overtime charges.
- (6) Unless approved prospectively pursuant to *LBR 2016-1(a)(1)*, the Court will not approve reimbursement for expenses that are based on a percentage of fees for services.

**CHAPTER 13 PRE-CONFIRMATION ADEQUATE PROTECTION PAYMENTS**

(Adopted pursuant to General Order dated \*, 2006)

Effective as to Chapter 13 cases filed on or after October 17, 2005:

(a) Payments of personal property leases governed by 11 U.S.C. § 1326(a)(1)(B) shall only be made directly by the debtor to the lessor if the debtor's plan so provides or if no plan provision addresses payment of the debtor's lease obligation. If the plan provides for payment of the lease obligation by the trustee, the debtor shall make the payment as part of the total payment to the trustee, and the trustee shall pay the lessor, both before and after confirmation.

(b) Pre-confirmation adequate protection payments governed by 11 U.S.C. § 1326(a)(1)(C) shall only be made directly by the debtor to the secured creditor if the debtor's plan so provides or if no plan provision addresses payment of the secured claim. If the plan provides for payment of the secured claim by the trustee, the debtor shall make the payment as part of the total payment to the trustee, and the trustee shall pay the amount provided by the plan to the secured creditor, both before and after confirmation.

**MOTIONS TO EXTEND THE STAY**  
(Adopted pursuant to Order dated \*, 2006)

Effective as to cases filed on or after October 17, 2005, the deadline to file and serve a motion to extend the stay under 11 U.S.C. § 362(c)(3)(B) is seven (7) days after the petition is filed. Prior to filing and serving such motion to extend the stay, the debtor shall contact the calendar clerk in accordance with *LBR 7101(b)* to obtain a hearing date for the motion.

**PROCEDURES FOR FILING AND OBTAINING TAX INFORMATION UNDER 11 U.S.C. § 521**

(Adopted pursuant to General Order dated \*, 2006)

Effective as to cases filed on or after October 17, 2005, and in accordance with section 315(c) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the “Act”) and interim guidance provided by the Director of the Administrative Office of the United States Courts, the procedures described below should be followed for safeguarding the confidentiality of tax information required to be provided under 11 U.S.C. § 521, whether filed with the Court or otherwise provided by the debtor pursuant to 11 U.S.C. § 521. The term “tax information” includes tax returns, transcripts of returns, amendments to returns and any other document containing tax information provided by the debtor.

(a) *Filing of Tax Information.* In order for tax information to be electronically entered into the Court’s CM/ECF system, the “tax information” event must be selected from the CM/ECF event list. The specific filing events are listed on the CM/ECF page of the Court’s web site at <[www.nhb.uscourts.gov](http://www.nhb.uscourts.gov)>.

(b) *No Electronic Public Access to Tax Information.* Use of the “tax information” event in CM/ECF limits access to the filed tax information to those users assigned “court” log-ins (i.e., judicial officers and court employees). All other users (including PACER users) will be limited to viewing only the docket event indicating that tax information has been filed. These other users will not be able to open and view the tax information. Access to the tax information shall be available only upon request to the Court in accordance with the provisions of paragraph (d) below.

(c) *Redaction of Personal Information.* All tax information provided in accordance with 11 U.S.C. § 521 is subject to the Judicial Conference of the United States Policy on Privacy and Public Access to Electronic Case Files (“JCUS policy”) available at <[www.privacy.uscourts.gov/Policy.htm](http://www.privacy.uscourts.gov/Policy.htm)>. In accordance with the JCUS policy, the debtor should take the following steps to redact personal identifiers in any tax information filed with the Court or provided to the trustee or creditor(s), in either electronic or paper form:

- (1) *Social Security numbers.* If an individual’s Social Security number is included, only the last four digits of that number should appear;
- (2) *Names of minor children.* If a minor child(ren) is/are identified by name, only the child(ren)’s initials should appear;
- (3) *Dates of birth.* If an individual’s date of birth is included, only the year should appear; and
- (4) *Financial account numbers.* If financial account numbers are provided, only the last four digits of these numbers should appear.

Court employees are not responsible for redacting any of the personal identifying information. The responsibility for redacting personal identifiers rests solely with the debtor.

(d) *Procedure for Requesting and Obtaining Access to Tax Information.* To gain access to a debtor’s tax information under 11 U.S.C. § 521(f), the United States Trustee, trustee or party in interest, including a creditor, must follow the procedures set forth below:

- (1) The United States Trustee, trustee or party in interest, including a creditor, must file with the Court and serve on the debtor and debtor's counsel, if any, a written request that the debtor file copies of tax returns with the Court pursuant to 11 U.S.C. § 521(f).
- (2) In order to obtain access to debtor's tax information that is filed with the Bankruptcy Court, the movant must file a motion with the Court, which should include:
  - (i) A description of the movant's status in the case, to allow the Court to ascertain whether the movant may properly be given access to the requested tax information.
  - (ii) A description of the specific tax information sought.
  - (iii) A statement indicating that the information cannot be obtained by the movant from any other sources.
  - (iv) A statement showing a demonstrated need for the tax information.

*(e) Access to Tax Information as Ordered by the Court.* Orders granting a motion for access to tax information will include language advising the movant that the tax information obtained is confidential and should condition dissemination of the tax information as appropriate under the circumstances of the particular case. At the discretion of the Court, the order may state that sanctions may be imposed for improper use, disclosure or dissemination of the tax information. Upon the granting of a motion for access to tax information, the movant shall make arrangements to view the tax information at the clerk's office, unless otherwise ordered by the Court. The transmission of the tax information to the movant, by whatever means the Court deems appropriate in a particular case, shall be recorded as a docket event in CM/ECF so that the docket will reflect that the Court has taken the action necessary to effect the provisions of its order granting access.

**REAFFIRMATION**

(Adopted pursuant to Order dated \*, 2006)

(a) *Form.* Effective as to cases filed on or after October 17, 2005, all reaffirmation agreements shall be substantially in the form of Revised Procedural Form B240 issued by the Director of the Administrative Office of the United States Courts to implement the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, which form is available at <[www.uscourts.gov/rules/revised\\_forms.html](http://www.uscourts.gov/rules/revised_forms.html)>. If a reaffirmation agreement filed with the Court is not substantially in the form of Form B240, it will not be effective and is subject to disapproval by the Court.

(b) *Agreements Not Effective.* Reaffirmation agreements not complying with the provisions of this subparagraph are not effective and are subject to disapproval by the Court without notice or a hearing:

- (1) A reaffirmation agreement must be executed prior to the date of the debtor's discharge.
- (2) A reaffirmation agreement must be accompanied by the best available evidence of the claim and, as appropriate, copies of the underlying contractual documents.

(c) *Hearing Not Required.* If the presumption of undue hardship has not arisen under 11 U.S.C. § 524(m), no hearing to review and approve a reaffirmation agreement will be scheduled by the Court if either of the following applies:

- (1) The debtor was represented by an attorney during the course of negotiating the agreement.
- (2) The debt is a consumer debt secured by a mortgage or other lien on real property.

(d) *Hearing Required.* A hearing to review and approve a reaffirmation agreement will be scheduled by the Court:

- (1) If the debtor was not represented by an attorney during the course of negotiating the agreement and the debt is not a consumer debt secured by a mortgage or other lien on real property.
- (2) Whether or not the debtor was represented by an attorney during the course of negotiating the agreement, if the presumption of an undue hardship has arisen under 11 U.S.C. § 524(m) and the Court is unable to find that the presumption is rebutted based upon the information submitted by the debtor.

(e) *Appearance by Debtor's Attorney at Hearing.* Unless the Court orders otherwise, any attorney who represented the debtor in connection with the preparation or filing of the bankruptcy petition, statement of financial affairs or schedules, shall personally appear at any hearing conducted under subparagraph (d) above.

**ELECTRONIC FILING**

(Adopted pursuant to Order dated \*, 2006)

(a) *Registration and Passwords*

- (1) *Attorneys and Trustees.* Attorneys admitted to the bar of this Court (including those admitted *pro hac vice*), United States Trustees and their assistants, private trustees and others as the Court deems appropriate, may register as Filing Users of the Court's CM/ECF system upon: (A) completion of the Court's training program, or (B) certification that the proposed Filing User has been trained in another court and is qualified to file pleadings in a bankruptcy court. Registration will be in a form prescribed by the clerk and will require the Filing User's name, address, telephone number, Internet e-mail address and, in the case of an attorney, a declaration that the attorney either is admitted to the bar of this Court or will seek to be admitted to the bar of this Court *pro hac vice* at the time the attorney wishes to file pleadings with the Court.
- (2) *Limited Use Log-ins and Passwords.* Attorney and creditor representatives may register as Filing Users of the Court's CM/ECF system upon: (A) completion of the Court's training program, or (B) certification that the proposed Filing User has been trained in another bankruptcy court and is qualified to file proofs of claim, notice requests, assignment/transfer of claims and other approved limited use documents. Registration will be in a form prescribed by the clerk and will require the firm name, Filing User's name, address, telephone number and Internet e-mail address.
- (3) *Securing Log-in and Password.* Once registration is completed, the Filing User will receive notification of the user log-in and password. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User. Filing Users shall protect the security of their passwords and immediately notify the clerk by telephone and by facsimile if they learn that their password has been compromised. Filing Users may be subject to sanctions for failure to comply with this provision.

(b) *Consequences of Electronic Filing*

- (1) *Entry of Documents.* Electronic transmission of a document to the CM/ECF system consistent with these rules, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Bankruptcy Rules and the local rules of this Court and constitutes entry of the document on the docket kept by the clerk under Bankruptcy Rule 5003.
- (2) *Entry of Court Orders.* All orders, decrees, judgments and proceedings of the Court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Bankruptcy Rules 5003 and 9021. All signed orders will be filed electronically by the Court or court personnel. Any order filed electronically without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.
- (3) *Official Record.* When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and

subsequently submitted electronically, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

(c) *Service and Notice*

- (1) *Waiver of Service.* Registration as a Filing User constitutes: (A) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and (B) waiver of the right to service by personal service, first class or certified mail, and consent to electronic service, except with regard to service of a summons and complaint under Bankruptcy Rule 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Bankruptcy Rule 9022.
- (2) *Service of Documents by Electronic Means.* Each Filing User who electronically files a pleading or other document must transmit a Notice of Electronic Filing to parties entitled to service or notice under the Bankruptcy Rules and these local rules. The Notice of Electronic Filing must be transmitted by e-mail, hand, facsimile or by first-class mail postage prepaid. Electronic transmission by the Court of the Notice of Electronic Filing generated by the CM/ECF system will constitute service or notice of the filed document. Parties not deemed to have consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document, and service or notice must be made according to the Bankruptcy Rules and the local rules.
- (3) *Notice of Court Orders and Judgments.* Immediately upon the entry of an order or judgment, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Bankruptcy Rule 9022.

(d) *Signatures and Declarations Regarding Electronic Filing*

- (1) *Log-in and Password Constitute Signature.* The user log-in and password required to file documents on the CM/ECF system serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of Bankruptcy Rule 9011, the Bankruptcy Rules, the local rules of this Court and any other purpose for which a signature is required in connection with proceedings before the Court. Electronically filed documents must include a signature block that sets forth the name, address, telephone number and an attorney's BNH number, if applicable. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear.
- (2) *Documents Requiring Signature of More Than One Party.* Except for documents covered by paragraph (d)(3) of this order, documents requiring signatures of more than one party must be electronically filed either by: (A) filing a scanned document containing all necessary signatures, (B) representing the consent of the other parties on the document, or (C) in any other manner approved by the Court.
- (3) *Documents Containing Original Signatures Under Oath Require Submission of Declaration Regarding Electronic Filing.* If a document that is electronically filed contains an original signature under oath, other than that of the Filing User, a paper copy of a Declaration Regarding Electronic Filing must be submitted to the Court within five (5) business days. Examples of documents that require the submission of a Declaration Regarding Electronic Filing include petitions, amendments to schedules/statements, affidavits, verified complaints and plans if signed under oath. The Declaration Regarding Electronic Filing must be in the form of *LBFs 5005-4A* or *5005-4B*, must be signed under oath and must have attached to it

a copy of the Notice of Electronic Filing for that document, which includes the electronic document stamp. As part of the clerk's duty to maintain records, the clerk shall retain all Declarations Regarding Electronic Filing that are submitted to the Court.

*(e) Miscellaneous.*

- (1) *Filing Deadlines.* Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.
- (2) *Copies.* It is sufficient for the Filing User to electronically file the documents without filing paper copies with the Court. However, the debtor must bring a paper copy of the petition, schedules, statements and lists to the first meeting of creditors so that the trustee may use the paper copy to examine the debtor.
- (3) *Attachments and Exhibits.* Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits conventional filing. A Filing User may submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Filing Users must promptly provide excerpted documents in full if a responding party makes such a request. Responding parties may timely file additional excerpts or the complete document, if they believe they are directly germane.
- (4) *Proposed Orders.* A Filing User filing a document electronically that requires a judge's signature must also file, at that time, a separate proposed order as an attachment to the document in the CM/ECF system. If a proposed order is being submitted by a Filing User after a document requiring a judge's signature has already been electronically filed (e.g., at the request of a judge after a hearing on the document), the proposed order shall be filed separately in the CM/ECF system unless otherwise ordered by the Court. The proposed order shall be entitled "Order," not "Proposed Order," and shall be substantially in the form of *LBF 9072-1*.
- (5) *Technical Failures.* A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court pursuant to 11 U.S.C. § 105 and Bankruptcy Rule 9006(b)(1), subject to the limitations of Bankruptcy Rule 9006(b)(2) and (3).

**SEALED DOCUMENTS**

(Adopted pursuant to Order dated \*, 2006)

A motion to file documents under seal, accompanied by a proposed order, must be filed electronically. As soon as practicable after the motion to seal is filed, the documents sought to be filed under seal are to be delivered to the clerk in a sealed envelope with a copy of the motion to seal and the notice of electronic filing affixed to the outside of the envelope. The Court will issue an order on the motion to seal and, if granted, an informational entry will be made on the case docket indicating that sealed documents have been filed with the Court.

**DEBTORS ASSERTING AN EXCEPTION TO THE LIMITATION OF THE AUTOMATIC STAY**  
**PURSUANT TO 11 U.S.C. § 362(l) AND PROCEDURE FOR RECEIVING RENT DEPOSITS**

(Adopted pursuant to Order dated \*, 2006)

Effective as to cases filed on or after October 17, 2005, to establish uniformity in the procedures for the deposit of rent by debtors and transmittal of rent to lessors under 11 U.S.C. § 362(l)(1)(B) and 362(l)(5)(D), rent payments shall be paid as follows:

- (1) Any deposit of rent made by or on behalf of a debtor pursuant to 11 U.S.C. § 362(l)(1)(B) must be in the form of a certified check or money order made payable to the order of the lessor and delivered to the clerk upon filing of the petition and the certification made under 11 U.S.C. § 362(l)(1)(A).
- (2) Upon the clerk's receipt of a certified check or money order made payable to the order of the lessor, the clerk is directed to promptly transmit the certified check or money order to the lessor by certified mail, return receipt requested, to the lessor's address listed on the petition.

**FEES — REQUEST FOR REFUND**

(Adopted pursuant to Order dated \*, 2006)

(a) *Request for Refund.* An attorney or trustee may request a refund of a filing fee paid electronically in a case or proceeding in which payment was made by credit card only.

(b) *Motion.* Any request for a refund shall be made by motion, accompanied by a proposed order, as soon as practicable after the payment error is discovered. The motion must contain a detailed explanation as to why the payment should be refunded. No supporting memorandum or notice of hearing is necessary if any of the following applies:

- (1) A fee was paid for filing a duplicate document, bankruptcy petition or adversary proceeding.
- (2) A fee was paid for filing a document in the wrong case or proceeding.
- (3) The movant is entitled to an exemption from the filing fee paid.
- (4) The trustee or debtor in possession is eligible for deferral of the filing fee in a case in which no funds from the estate exist for payment of the filing fee but the filing fee was paid electronically.

(c) Upon verification of the grounds set forth in (b) above, the clerk is authorized to effect a refund only if the refund may be processed as a credit to the attorney's or trustee's credit card. In all other instances, the attorney or trustee shall obtain a hearing date in accordance with *LBR 9073-1*.

**COMPLIANCE WITH THE SERVICEMEMBERS CIVIL RELIEF ACT OF 2003**

(Adopted pursuant to Order dated \*, 2006)

In order to comply with Section 201 of the Servicemembers Civil Relief Act of 2003 (the “Act”) regarding the entry of default judgments and other applicable parts of the Act, Pub. L. 108-189, 117 Stat. 2835, the Court requires the following:

(a) *Default Judgments.* At the time of the filing of a motion for default judgment in an adversary proceeding pursuant to Federal Rule of Bankruptcy Procedure 7055, the plaintiff must file an affidavit with the Court which states: (1) whether or not the defendant is in the military service, and indicating the necessary facts to support said affidavit; or (2) if the plaintiff is unable to determine whether or not the defendant is in the military service, a statement that the plaintiff is unable to so determine. See Section 201(b)(1) of the Act. If a plaintiff moving for a default judgment does not submit the required affidavit, the motion will be denied. If the Court is unable to ascertain the defendant’s military status from the presented affidavit, it may require the plaintiff to file a bond before entering any default judgment. Section 201(b)(4) of the Act states that the affidavit requirement “may be satisfied by a statement, declaration, verification or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury.”

(b) *Motions for Relief from the Automatic Stay.* At the time of the filing of a motion for relief from stay under Federal Rule of Bankruptcy Procedure 4001, the movant must file an affidavit with the Court which states: (1) whether or not the respondent is in the military service, and indicating the necessary facts to support said affidavit; or (2) if the movant is unable to determine whether or not the respondent is in the military service, a statement that the movant is unable to so determine. See Section 201(b)(1) of the Act. The Court will not enter any orders lifting the stay if the movant does not supply the required affidavit. If the Court is unable to ascertain the respondent’s military status from the presented affidavit, it may require the movant to file a bond before entering any order lifting the stay.

(c) *Motions and Contested Matters.* At the time of the filing of any motion requesting a remedy which may be granted by the Court for a party’s failure to respond, movant must also certify whether the respondent is a servicemember, as required by Section 201(b)(1) of the Act.

(d) *Debtor’s Information.* In order to assist the Court in its determination of a debtor’s status under the Act, a debtor should inform the Court if he or she is a servicemember subject to the provisions of the Act at the time of the filing of the bankruptcy petition by submitting a separate writing in the form of *LBF 9012-1*. If, at any time during the pendency of the bankruptcy proceedings, a debtor becomes entitled to the protections of the Act, he or she should inform the Court of the change in military status within ten (10) days of the change in status. Failure by the debtor to inform the Court of his or her military status does not in any way constitute a waiver of the debtor’s protections under the Act and does not alter the responsibility of a party to investigate the debtor’s servicemember status before filing any of the papers referred to in subparagraphs (a) through (c) of this administrative order.

(e) *Verification.* Information on verification of the military status of an individual is available from the clerk’s office or on the Court’s web site at <[www.nhb.uscourts.gov](http://www.nhb.uscourts.gov)>.

**TELEPHONIC APPEARANCES**

(Adopted pursuant to Order dated \*, 2006)

All parties seeking to participate in hearings by telephonic appearance must utilize the services of CourtCall, an independent conference call company.

Unless otherwise ordered by the Court, no telephonic appearance will be allowed unless it is made through CourtCall pursuant to the procedures set forth in paragraph (b) below.

Under no circumstances may any participant record or broadcast the proceedings conducted by the Bankruptcy Court.

(a) *Policy Governing Telephonic Appearances*

- (1) Telephonic appearances are allowed in all matters before the Court except the following:
  - (A) Trials and evidentiary hearings — all counsel and all witnesses must appear in person.
  - (B) Chapter 11 status conferences — debtor and debtor's counsel must appear in person, other parties in interest may appear telephonically.
  - (C) Chapter 11 confirmation hearings — debtor, debtor's counsel and all objecting parties must appear in person.
  - (D) Hearings on reaffirmation agreements — debtor must appear in person.
  - (E) Pretrial conferences — all counsel and *pro se* parties must appear in person.
  - (F) Any matter designated by the Court as one requiring a personal appearance.
- (2) A party may participate by telephonic appearance in more than one case on a list. Any party solely interested in monitoring the Court's proceedings may participate by telephonic appearance in "listen only" mode.
- (3) If an individual schedules a telephonic appearance and then fails to respond to the call of a matter on the calendar, the Court may pass the matter or may treat the failure to respond as a failure to appear. Individuals making use of the conference call service are cautioned that they do so at their own risk.
- (4) To ensure the quality of the record, the use of car phones, cellular phones, speaker phones or phones in other public places is prohibited. Each time you speak, you must identify yourself for the record. Do not place the call on hold at any time. When the hearing is completed, you may disconnect or, if you will be appearing by telephone in a later case on the same list, you may stay on the call and wait for your next case to be called.

*(b) Scheduling a Telephonic Appearance*

- (1) Participants must notify CourtCall toll free by telephone (866-582-6878) or by facsimile (866-533-2946) no later than 3 p.m. (EST) of the business day prior to the hearing. Permission to appear telephonically on shorter notice must be obtained from the Court by contacting the calendar clerk for the judge assigned to the case, and it will only be granted if just cause exists. The telephone numbers for the Court's calendar clerks may be obtained on the Court's web site at <[www.nhb.uscourts.gov](http://www.nhb.uscourts.gov)>.
- (2) Participants must provide CourtCall with the following information:
  - (A) Case name and number.
  - (B) Name of judge.
  - (C) Hearing date and time.
  - (D) Name, address and telephone number of the participant.
  - (E) Name of the party represented by the participant.
  - (F) Matter on which the participant wishes to be heard or whether the participant intends to monitor the proceeding in "listen only" mode.
- (3) Participants will receive fax confirmation and instructions for telephonic appearance from CourtCall. It is the participant's responsibility to dial into the call not later than ten minutes prior to the scheduled hearing.
- (4) Any questions about telephonic appearances should be directed to CourtCall at 866-582-6878.
- (5) Information about CourtCall's policies may be obtained from its web site at <[www.courtcall.com](http://www.courtcall.com)> or by calling 866-582-6878.

*(c) Fees.* The fee for the telephonic appearance is fixed by CourtCall, depending on the length of time the participant is on the call, regardless of the number of cases the participant appears in during a call or whether the participant is actually heard by the Bankruptcy Court or is in "listen only" mode. Each participant will be charged or billed an initial fee at the time of the reservation with CourtCall, with appropriate increments, if any, to be charged or billed based upon the fee rate, available on the Court's web site at <[www.nhb.uscourts.gov](http://www.nhb.uscourts.gov)>, which rates may be amended from time to time.

There are no subscription fees, and no special equipment is required to use the service.